

Senate File 2270 - Introduced

SENATE FILE 2270

BY BERTRAND

A BILL FOR

1 An Act concerning public employee organization elections
2 conducted by the public employment relations board and
3 including effective date and applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 20.15, subsection 1, paragraph b, Code
2 2018, is amended to read as follows:

3 b. (1) If a majority of the ~~public employees in the~~
4 ~~bargaining unit vote~~ votes cast are for no bargaining
5 representation, the public employees in the bargaining unit
6 found appropriate by the board shall not be represented by an
7 employee organization.

8 (2) If a majority of the ~~public employees in the bargaining~~
9 ~~unit vote~~ votes cast are for a listed employee organization,
10 then that employee organization shall represent the public
11 employees in the bargaining unit found appropriate by the
12 board.

13 (3) If none of the choices on the ballot receive the
14 ~~vote of~~ a majority of the ~~public employees in the bargaining~~
15 ~~unit~~ votes cast, the public employees in the bargaining unit
16 found appropriate by the board shall not be represented by an
17 employee organization.

18 Sec. 2. Section 20.15, subsection 2, Code 2018, is amended
19 to read as follows:

20 2. *Retention and recertification elections.*

21 a. The Beginning January 1, 2020, the board shall conduct
22 an election every five years to retain and recertify the
23 bargaining representative of a each bargaining unit prior to
24 the expiration of the bargaining unit's that is a party to
25 a collective bargaining agreement. The board shall schedule
26 such an election for each bargaining unit that is a party to a
27 collective bargaining unit as of January 1 of the calendar year
28 in which the election will be conducted. The board may stagger
29 the dates of such elections throughout the calendar year.

30 The question on the ballot shall be whether the bargaining
31 representative of the public employees in the bargaining
32 unit shall be retained and recertified as the bargaining
33 representative of the public employees in the bargaining unit.
34 ~~For collective bargaining agreements with a June 30 expiration~~
35 ~~date, the election shall occur between June 1 and November~~

1 ~~1, both dates included, in the year prior to that expiration~~
2 ~~date. For collective bargaining agreements with a different~~
3 ~~expiration date, the election shall occur between three hundred~~
4 ~~sixty-five and two hundred seventy days prior to the expiration~~
5 ~~date.~~

6 ~~b. (1) If a majority of the public employees in the~~
7 ~~bargaining unit vote~~ votes cast are to retain and recertify
8 the representative, the board shall retain and recertify the
9 bargaining representative and the bargaining representative
10 shall continue to represent the public employees in the
11 bargaining unit.

12 (2) If there is not a majority of the ~~public employees~~
13 ~~in the bargaining unit do not vote~~ votes cast to retain and
14 recertify the representative, the board, after the period for
15 filing written objections pursuant to [subsection 4](#) has elapsed,
16 shall immediately decertify the representative and the public
17 employees shall not be represented by an employee organization
18 except pursuant to the filing of a subsequent petition for
19 certification of an employee organization as provided in
20 section 20.14 and an election conducted pursuant to such
21 petition. Such written objections and decertifications shall
22 be subject to applicable administrative and judicial review.

23 Sec. 3. Section 20.15, subsection 3, paragraph b, Code 2018,
24 is amended to read as follows:

25 ~~b. (1) If a majority of the public employees in the~~
26 ~~bargaining unit vote~~ votes cast are to decertify the bargaining
27 representative, the board, after the period for filing
28 written objections pursuant to [subsection 4](#) has elapsed,
29 shall immediately decertify the representative and the public
30 employees shall not be represented by an employee organization
31 except pursuant to the filing of a subsequent petition for
32 certification of an employee organization as provided in
33 section 20.14 and an election conducted pursuant to such
34 petition. Such written objections and decertifications shall
35 be subject to applicable administrative and judicial review.

1 in a certification, retention and recertification, or
2 decertification election for the question on the ballot to
3 pass. Under current law, a question on a ballot in such an
4 election will only pass if a majority of the members of the
5 bargaining unit vote in support of the question. The bill
6 provides that a question on a ballot will pass if a majority of
7 the votes cast are in support of the question.

8 The bill also changes the scheduling requirements for
9 retention and recertification elections. Current law requires
10 that such elections be scheduled a certain period of time prior
11 to the expiration of each collective bargaining agreement. The
12 bill requires that such elections be conducted every five years
13 beginning January 1, 2020, for each bargaining unit that is a
14 party to a collective bargaining unit as of January 1 of the
15 year in which the elections will be held. The bill requires
16 the public employment relations board to cancel any such
17 elections scheduled as of the effective date of the bill that
18 do not comply with the scheduling requirements of the bill.

19 The bill takes effect upon enactment and applies to all
20 elections carried out pursuant to Code section 20.15 on and
21 after the effective date of the bill.